

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DELEON FRANSWAY GIVENS,
Plaintiff,
v.
THOMPSON, et al.,
Defendants.

Case No. CV 15-03105 MMM (AFM)

ORDER TO SHOW CAUSE

By Order filed May 27, 2015 (ECF No. 5), the Court granted plaintiff's request to proceed on his complaint *in forma pauperis* and authorized the U.S. Marshal to serve the Summons and Complaint on defendants Officer Thompson and City of Los Angeles. Among other things sent to plaintiff at his address of record, a "service packet" directing plaintiff to mail to the U.S. Marshal's office certain service related information and papers and to file with the Court a Notice of Submission of Documents to the U.S. Marshal. Plaintiff was also advised that, under Federal Rule of Civil Procedure 4(m), service of the Summons and Complaint must be accomplished on each named Defendant within 120 days after the filing of the complaint. The 120-day period expired on August 27, 2015.

1 **Plaintiff was warned that his failure to effectuate service by that date may**
2 **result in the dismissal of the action without prejudice as to any unserved**
3 **Defendant(s) by reason of Plaintiff's failure to prosecute, unless Plaintiff can**
4 **show good cause for extending the time for service.**

5 The docket shows that, as late as the date of this Order, plaintiff has not filed
6 the "Notice of Submission of Documents to U.S. Marshal" or a proof of service.
7 Moreover, the Court asked the Marshal's office on November 5, 2015 whether that
8 office has received any service-related materials from Plaintiff and was advised that
9 they had not.

10 Accordingly, PLAINTIFF IS ORDERED TO SHOW CAUSE, within 20
11 days from the filing date of this Order, why this action should not be dismissed
12 without prejudice for failure to prosecute. Plaintiff may discharge this Order by
13 filing proof that the necessary documents from the service packet were submitted to
14 the U.S. Marshal's office or by filing a declaration under penalty perjury stating
15 why he is unable to do so.

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17 DATED: 11/9/2015

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19 ALEXANDER F. MacKINNON
20 UNITED STATES MAGISTRATE JUDGE

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